

REMARKS

The attached amendments and following remarks are made in response to the Office Action dated March 22, 2007. By entry of the attached amendment, claims 5, 6, 22-28, 30, 32, and 35-42 are pending. Claims 5, 22, 23, 25, 28, 30 and 32 have been amended. Claims 35-42 are new. No new matter has been added.

Applicants note with appreciation the indication that claim 22 contains allowable subject matter. Although the Office Action states that claim 22 would be allowable if rewritten in independent form, Applicants would like to point out that claim 22 is already in independent form, and therefore is allowable without further amendment.

Claims 5, 6, 22-28, 30 and 32 have also been rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of U.S. Patent No. 5,608,446 to Carr, in view of U.S. Patent Nos. 6,915,530 to Kaufman and U.S. Patent No. 5,901,340 to Flickinger. However, in the text of the rejection, only claims 5 and 6 have been addressed, and claim 22 has been indicated as being objected to by the Examiner.

As for claims 23-28, 30 and 32, these have also been rejected under 35 U.S.C. §103(a) as being unpatentable over the above combination of references, further in view of U.S. Patent No. 6,493,875.

Applicants' Figure 2 is an exemplary embodiment illustrating the features encompassed by Applicants' independent claims. The intelligent device system illustrated includes at least one addressable device 202 having at least one input and at least one output. A wideband distribution unit 38 receives a signal that includes at least a digital signal portion from the output of the at least one addressable device

202. An intelligent device 204 receives from the wideband distribution unit 38 a modified RF signal carrying at least a digital signal portion. The intelligent device 204 splits an IP portion from a non-IP signal portion of the digital signal portion. The intelligent device 204 removes the modulated RF carrier from the IP portion and sends the IP portion signal to the input of at least one addressable device 202. As for the non-IP signal portion, the intelligent device 204 sends that to at least one standard outlet 232. The intelligent device comprises a demodulator 220 that receives the modulated RF digital signal portion from the wideband distribution unit and a first digital combiner 212 that combines at least two demodulated digital signal portions from the demodulator 220 into one high speed digital transmission, as well as an RF splitter 214 and at least two RF bandpass filters 216, 218.

In contrast, the home controller 122 of the Carr patent receives its input from the cable distribution head end 36, as illustrated in Figure 5 of the Carr patent. The Kaufman patent is directed to a system to reduce the number of undesirable signal paths on the cable return path. Similar to the home controller of the Carr patent, the communications gateway described in the Kauffman patent receives its input from the cable distribution head end. Finally, the Flickinger patent is directed to a broadband signal distribution system for distributing broadband signals among a plurality of outlets broadband signals.

In making the rejection of Applicants' independent claim 5, the Office asserts that the home controller 122 described in the Carr patent is analogous to the claimed intelligent device and performs the functions recited therein. The Office further asserts that the claimed addressable device is disclosed by the communications gateway board 220 disclosed in the Kauffman patent. Finally, the rejection asserts

that the Flickinger patent discloses the claimed broadband uniform distribution unit as recited in the claims.

However, the Office does not address the flow of signals through the elements recited in the claims. For example, claim 5 recites an intelligent device that receives, from the wideband distribution unit, a modulated RF signal carrying at least the digital signal portion thereon, wherein said intelligent device splits an IP portion from a non-IP signal portion of the digital signal portion. At page 3 of the Office Action, the rejection seems to emphasize that the home controller 122 of the Carr patent is analogous to the intelligent device that splits an IP portion from a non-IP portion because the home controller 122 includes a splitter 150. However, the splitter 150 clearly receives its incoming signal from a cable distribution head end, and not from a wideband distribution unit, which has received the signal from at least one addressable device, as recited in the claim.

Furthermore, the recitation of an intelligent device in claim 5 also recites "wherein said intelligent device removes the modulated RF carrier from the IP portion and sends the IP portion signal to the input of at least one addressable device, and wherein said intelligent device sends the non-IP signal portion to at least one standard outlet." This feature has not been addressed in the combination of the Carr, the Kauffman, and Flickinger patents.

Additionally, the Office Action has not addressed or explained how the communications gateway board 220 disclosed in the Kauffman patent receives the IP portion signal that is sent from the intelligent device to the input of at least one addressable device as recited in independent claim 5.

Finally, it is unclear how the combination of the home controller 122 of the Carr patent, the communications gateway board of the Kauffman patent and the wideband signal distribution system of the Flickinger patent disclose the claimed demodulator that receives the modulated RF digital signal portion from said wideband distribution unit, or the claimed feature of a wideband distribution unit that receives a signal, which signal includes at least a digital signal portion, from the output of said at least one addressable device.

The rejection does not explain how the communications gateway board, which is allegedly analogous to the claimed addressable device, outputs a signal to the BUD of Flickinger that includes at least a digital signal portion as recited in the claims.

Finally, the feature of a first digital combiner that combines at least two demodulated digital signal portions from said demodulator into one high speed digital transmission as recited in claim 5 is also not addressed in the present rejection.

Although claims 22-28, 30 and 32 are shown in the heading as being rejected under the combination of the Carr patent, the Kauffman patent, and Flickinger patent, they are not specifically addressed in the body of the rejection. Claim 23 recites additional features such as a transcoder for sending the wireless portion from said RF splitter to a wireless port. While claim 28 recites the feature of wherein the wireless portion and the non-wireless portion are split by said intelligent device, and wherein the splitting is controlled by at least one DSP. Therefore, Applicants respectfully submit that these claims have been erroneously identified in the rejection heading under the above combination of references.

The Carr patent, Kauffman patent and Flickinger patents, either individually or in combination, do not disclose or suggest all of the features recited in independent claim 5, dependent claim 6, or claims 22-28, 30 and 32.

As for the rejection of claims 23-28, 30 and 32, the Eames patent is cited for its allegedly well known method of wireless transmission of video data within a dwelling, originating from a wireless gateway 200.

The Eames patent does not overcome the above deficiencies of the combination of the Carr patent, Kauffman patent and Flickinger patent as described with respect to independent claim 5.

Accordingly, Applicants respectfully submit that the Carr, the Kauffman, the Flickinger, and the Eames patents, either individually or in combination, do not disclose or suggest all of the features recited in Applicants' claims 23-28, 30 and 32.

As for new claims 35-42, these claims recite combinations of features including receiving and determining signal traffic data and channel in use information that is used by a processor to select modulators and channel width for distributing signals. Applicants respectfully submit that these claims recite features that the Examiner has indicated as allowable subject matter in the Office Action.

Applicants request that the Examiner contact the undersigned to schedule a personal or telephonic interview in order to expedite prosecution of the present application. If the Examiner should have any additional questions, it is requested that he contact the undersigned.

Respectfully submitted,

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